51.11.6
4988

ARTICLES
AND
ORDINANCES
OF WARRE;

For the preſent expedition of
the Armie of the Kingdome
of SCOTLAND.

BY HIS EXCELLENCE,
the Lord Generall of the Armie.

J. B.

NATIONAL LIBRARY
OF SCOTLAND
EDINBURGH

EDINBVRGH,
Printed by *James Bryſon*, 1640.

ARTICLES AND ordinances of VVarre, &c.

THAT no man pretend ignorance; and that every one may know the duetie of his place, that hee may doe it: The Articles and Ordinances following, are to be publiſhed at the general randezvous in every regiment apart, by the Marſhals of the ſeverall Regiments, & in the preſence of all the Officers. The ſame ſhall afterward be openly read to every Companie of Horſe and foot, and at ſuch times as ſhall be thought moſt convenient by the Lord Generall: and in like manner ſhall bee made knowne to ſo many as joyne themſelves to be profeſſed Souldiours in the Armie. For this end, every Colonell and Captaine ſhall provide one of thoſe Bookes, that hee may have it in readineſſe at all occaſions, and every Souldiour ſhall ſolemnely ſweare this following oath,

The publiſhing of the Articles and ordinances of warre.

I N. N. promiſe and ſweare to be true and faithfull in my ſervice to the Kingdome of Scotland, *according to the heads ſworne by me in the Covenant. To honour and obey my Lord Generall, and all my Superiour*

The oath of Souldiours.

Officers and Commanders, and by all meanes to hinder their dishonour and hurt: To observe carefully all the Articles of warre and Campe discipline: never to leave the defence of this Cause, nor flie from my Colours so long as I can follow them: To be ready to watching warding and working, so far as I have strength: To endure and suffer all distresses, and to fight manfully to the uttermost, as I shall answere to GOD, and as GOD shall helpe mee.

Kirk discipline.

I. Kirk discipline shall be exercised, and the poore cared for in every Regiment, by the particular Eldership, or Kirke Session to be appointed, even as useth to bee done in every parosh in the time of peace: And that there may bee an uniformitie throughout the whole Armie in all matters Ecclesiasticall; there shall bee a generall Eldership, or common Ecclesiasticke judicatorie, made up of all the Ministers of the Campe, and of one Elder direct from every particular Regiment, who shall also judge of appellations, made unto them from the particular Sessions or Elderships.

Counsels of war.

II. For deciding of all questions, debats and quarrellings, that shall arise betwixt Captaines and their Souldiours, or any others of the Armie, and for the better observing of Campe Discipline, two courts of Justice, the one higher and the other lower, are appointed, wherein all Judges are sworne to doe Justice equally: The higher also to judge of appellations to bee made from the lower court. And if any man shall by word or gesture show his contempt or mis-regard, or shall fall out in boasting or braving, while Courts are sitting, hee shall bee punished by death. And both these Judicatories as well

well of the Kirke matters as of warre, ſhall be ſubject to the councell of Eſtate, and generall Aſſembly *reſpective*.

Duetie to God.

III. VVhoſoever ſhall wilfully or careleſly abſent himſelfe from morning and evening prayers, or from preaching before and after-noone on the Lords day, or other dayes of the weeke, when the ſigne is given by ſound of Trumpet, or Drum, hee ſhall bee cenſured and puniſhed for his neglect or contempt, by penaltie, impriſonment, or other puniſhment, as his fault deſerveth.

After the warning given, there ſhall bee no Market, nor ſelling of commodities whatſoever, till the Prayers or Preaching be ended, upon the paine of fore-faulting the things ſo ſold, and of the impriſoning of the offenders.

IIII. Common and ordinarie ſwearing and curſing, open prophaning of the Lords day, wronging of his Miniſters, and other acts of that kinde, ſhall not only bee puniſhed with loſſe of pay, and impriſonment, but the tranſgreſſours ſhall make their publicke repentance, in the midſt of the Congregation, and if they vvill not bee reclaimed, they ſhall with diſgrace bee openly caſſeered, and diſcharged as unworthie of the meaneſt place in the Armie.

Duetie to King Countrie and Generall.

V. If any man ſhall open his mouth againſt the Kings Majeſties perſon, or Authoritie, or ſhall preſume to touch his ſacred Perſon, hee ſhall bee puniſhed as a traitour. Hee that ſhall ſpeake evil of the Cauſe which wee defend, or of the Kingdome and Countrey in the defence thereof, or ſhall uſe any words tending to the diſhonour of the Lord Generall,

Generall, hee ſhall bee puniſhed with death.

No man ſhall at his owne hand, without warrant of my Lord Generall, have or keepe intelligence with the enemie, by ſpeach, letters, ſignes, or any other way, under the paino to bee puniſhed as a traitour. No man ſhall give over any Strength, Magazin, victuall, &c. Or make any ſuch motion, but upon extremitie, under the ſame paine. No man ſhall give ſupply, or furniſh money, victuall, or any commodities to the enemie, upon paine of death.

VVhoſoever ſhall bee found to doe violence againſt the Lord Generall his Safe-guarde, or ſafe-conduct, ſhall die for it.

VVhoſoever ſhall bee found guiltie of careleſneſſe and negligence in his ſervice, although he be free of treacherie and double dealing, ſhall beare his owne puniſhment.

Duties of Superiours.

VI. All Commanders and Officers ſhall bee carefull, both by their authoritie and example, that all under their charge, live in godlines, ſoberneſſe, and righteouſneſſe: and if they themſelves ſhall be common ſwearers, curſers, drunkards, or any of them at any time, ſhall come drunke to his Guarde, or by quarrelling, or any other way ſhall commit any notable diſorder in his quarter, loſſe of place ſhall bee his puniſhment: And further, according to the ſentence of the court of warre.

The Captaines that ſhall be negligent in training their Companies, or that ſhall bee found to withhold from their Souldiours any part of their pay, ſhall bee diſcharged of their place, and further cenſured by the court of warre.

No

No Commander or Officer ſhall conceal dangerous & diſcontented humours, inclined to mutinies, or grudging at the orders given them, but ſhall make them knowne to the prime Leaders of the Armie, upon the paine to bee accounted guiltie of mutinie.

No Commander or Officer ſhall authorize or wittingly permit any Souldiour to go forth to a ſingular combat, under paine of death; But on the contrarie, all Officers ſhall be carefull by all meanes to part quarrellings amongſt Souldiours, although they bee of other Regiments, or Companies, and ſhal have power to command them to priſon, which if the Souldiours ſhall diſobey or reſiſt by uſing any weapon, they ſhall die for it.

No Captaine ſhall preſume at his owne hand, without warrant of the Lord Generall, to caſſeere or give a Paſſe to any enroled Souldiour, or Officer who hath appeared at the place of the generall Randezvous; nor ſhall any Commander, Officer, or Souldiour depart without a Paſſe, or ſtay behinde the time appointed him in his Paſſe, and whoſoever tranſgreſſeth the one way or the other, ſhall bee puniſhed at the diſcretion of the Court of Ware.

VII. All Souldiours ſhall remember that it is their part to honour and obey their Commanders and therefore ſhall receive their commands with reverence, and ſhall make no noyſe, but bee ſilent, when the Officers are commanding or giving their directions, that they may be heard by all, and the better obeyed: he that faileth againſt this, ſhall bee impriſoned. *Duetie of Souldiours.*

No Souldiour ſhall leave his Captaine, nor ſervant

vant forsake his master, whether hee abyde in the Army or not; but upon licence granted and in an orderly way.

Whosoever shall presume to discredit any of the great Officers of the armie, by writ, word, or any other way, and be not able to make it good, and whosoever shall lift his weapon against any of them shall be punished by death; and whosoever shall lift his hand against any of them, shall losse his hand.

No Souldiour nor inferior officer shall quarrell with, or offer any injurie to his Superiour, nor refuse any duety commanded him upon paine of cassceering, and to be further censured by the court of warre. And if any shall presume to strike his Superiour, hee shall bee punished with death. But if it shall happen that any Officer shall command any thing to the evident and known prejudice of the publick, then shall hee who is commanded modestly refuse to obey, and presently give notice therof to the Lord Generall.

If any man shall use any words or wayes, tending to mutinie or sedition, whither for demanding his pay, or upon any other cause, or if any man shall bee privie to such mutinous speaches, or wayes, and shall conceal them; both shall bee punished with death.

All must show their valour against the enemie, and not by revenging their private injuries, which upon their complaints to their superiour Officers, shall be repared to the full. And if any man presume to take his owne satisfaction, or challenge a combat, hee shall bee imprisoned, and have his punishment decerned by the marshall court.

The

The Provoſt marſhall muſt not bee reſiſted, or hindred in apprehending, or putting delinquents in priſon, and all Officers muſt aſſiſt him to this end, and if any man ſhall reſiſt or breake priſon, he ſhall be cenſured by the court of warre.

VIII. Murther is no leſſe unlawfull and intollerable in the time of warre, then in the time of peace, and is to bee puniſhed with death. *Duties to others.*

VVhoſoever ſhall bee found to have forced any woman, whither hee bee Commander or Souldiour, ſhall die for it without mercie. And whoſoever ſhall bee found guiltie of adulterie or fornication, ſhall bee no leſſe ſeverly cenſured and puniſhed then in the time of peace.

Theeves and robbers ſhall be puniſhed with the like ſeverity. If any ſhall ſpoile, or take any part of their goods that die in the Armie, or are killed in ſervice he ſhall reſtore the double and be farther puniſhed at diſcretion. It is provyded that all their goods be foorth comming and be diſpoſed of according to their teſtament, & will declared by word or writ before witneſſes, or if they have made no teſtament, to their wives, children, or neareſt kindred, according to the lawes of the Kingdome.

All ſhall live together as friends and brethren, abſtaining from words of diſgrace, contempt, reproach, giving of lies, and all provocation by word or geſture: Hee that faileth, ſhall bee impriſoned for the firſt fault, and if hee bee incorrigible, hee ſhall bee with ſhame put out of the Armie.

IX. All Souldiours ſhall come to their Cullours, to watch, to be exerciſed, or to muſter, with their owne Armes, and if any Souldiour ſhall come *Concerning armes.*

with another mans Armes, hee ſhall bee puniſhed with rigour, and the lender ſhall loſſe his Armes. All ſhall come alſo with compleat and tight Armes in a decent maner, otherwiſe to be ſeverly puniſhed.

If any man ſhall ſell, or give in pawne his horſe, his armes, or any part of the ammunition comitted to him, or any inſtruments, as Spades, Shovels, Pickes uſed in the field, hee ſhall for the firſt and ſecond time bee bearen, through the quarter, and for the third time bee puniſhed as for other thift: And hee that buyeth them, or taketh them to pawne, be hee Souldiour, or Victualler, ſhall pay the double of the money, beſide the want of the things bought or impawned, and be further puniſhed at diſcretion.

Whoſoever in a debauched and leud manner by Cards or Dyce, or by ſloath, and unexcuſable neglect, ſhall loſſe his horſe, and armes in whole, or in part to the hinderance of the ſervice; And whoſoever ſhall wilfully ſpoile, or breake his Armes, or any inſtrument of warre committed to him, by cutting downe of trees, or any other way, hee ſhall ſerve as a pioner, till the loſſe be made up, and he furniſhed upon his owne charges.

Concerning marching.

X. No man on his march, or at his lodging within or without the countrey upon whatſoever pretext, ſhall take by violence either horſe, cattell, goods, money, or any other thing, leſſe, or more, but ſhall pay the uſuall pryces for his meat and drinke, or bee furniſhed according to the order given by the Lord Generall upon paine of death, without mercie.

If any man ſhall preſume to pull down, or ſet on fire any dwelling houſe, though a Cottage, or hew

downe

downe any fruite-trees, or to waste, or deface any part of the beautie of the countrey, hee shall bee punished most severly, according to the importance of the fault.

In marching, no man shall stay behinde without leave: No man shall straggle from his Troup or Companie. No man shall march out of his ranke, and put others out of order, under all highest paine.

XI. If any Colonell of horse or foot shall keepe back his Souldiours from the appointed musters, or shall lend his Souldiours to make a false muster, upon tryal in the court Marshal, he shalbe punished as a deceiver. And if any Muster-master shall use any false Rols, shall have any hand in false Musters, or by connivence, or any other way be tryed, to be accessory to them, he shal suffer the likepunishmẽt. *Of musters*

XII. No man shall presume to doe the smallest injurie to any that bring necessaries to the Leager, whither by stealing from them, or deceiving them, or by violence in taking their horse or goods, under the paine to be accoũted & punished asenemies. No Victualler shal sell rotten victuals, upon pain of imprisonment and confiscation, and futher as they shall bee judged to deserve. *Victuallers.*

No Souldiour shall provide and sell Victuals, unlesse he be authorized, nor shall any that selleth Victuals, keepe in his Tent or Hutte, any Souldiour at unseasonable houres, and forbiden times, under paine at discretion, Like-as, all the pryces thereof shall be set down by the generall Marshall, and be given to the Marshall of the severall Regiments.

XIII. No man enrolled professing himselfe or pretending to be a souldiour shall abide in the Army, *Dueties in the Campe.*

Army, unleſſe he enter in ſome Company, nor ſhall he that hath entered depart without licence upon the paine of death. No man having licence ſhall ſtay beyond the time appointed him upon paine of loſſe of his pay during the time of his abſence, and further puniſhment at diſcretion. If any man in a mutinous way ſhow himſelf diſcontent with the quarter aſſigned him he ſhall be puniſhed as a mutiner. And if any man ſhall ſtay out of his quarter or goe without ſhot of cannon being intrinshed, but one night, without leave of his ſuperiour officer he ſhall be caſſeerd.

All that ſhall be abſent from the watch after the ſigne is given for the ſetting thereof ſhall be ſeverely punished. He that revealeth or falſifieth the watchword given by the officer, within the trinches, or before the cullours: He that is taken ſleeping or drunken upon his watch: he that cometh off the watch before the tyme, every one of thoſe ſhall be punished with death.

If any number of Souldiours ſhall aſſemble together, for taking mutinous counſell upon whatſoever pretext: The Officers joyning with them, ſhall ſuffer death: The tenth man of the Souldiours ſhall be hanged, and the reſt condemned to bee pioners, and to purge the Campe, till by ſome exploit they procure pardon, and redeeme their reputation.

Duet ies in Battell.

XIIII. Everie man when the Alarum is given, ſhall repaire ſpeedily to his Cullours; no man ſhall forſake or flee from his Cullours.

No man in the countrey ſhall receit them that flee.

No man in the Battell ſhall throw away his Muſket, Pick, or Bandileir, all under the paine of death.

What

Whatsoever Regiment of horse or foot, having charged the enemie, shall draw backe, before they come to stroke of sword, shall answer for it before a councel of war: And if it be through default of any Officer, hee shall bee censured by the Councel of warre. If the fault be in the Souldiours, the tenth man shall bee punished with death, and the rest put to base service, till by their valour they prove themselves worthie of a better condition.

XV. If it shall come to passe, that the enemie shall force us to Battell, and the Lord shall give us victorie, none shall kill a yeelding enemie, nor save him that still pursueth, upon paine of death. Neither shall there be any ransoming of persons, spoiling, pillaging, parting of the prey, or wasting and burning by fire, or disbanding from their charges, or Officers, but as the Lord Generall shall give order upon the same paine of death. *Duties after Battell.*

XVI. Every mans carriage shall bee diligently observed, and hee according to his merite rewarded or punished: And whatsoever Officer or Souldiour shall carrie himselfe ductifully in his station, and doth his part valiantly, in Battell or fight, shall after the laudable example of the wisest, and worthiest Kingdomes and Estates, have his honour and reward according to his worth and deserving, whither hereafter we have peace or warre. *Rewards for the well-deserving.*

Maters that are cleareby the light and law of Nature are presupposed: Things unnecessarie, are past over in silence: and other things may be judged by the common customes and constitutions of warre, or may upon new emergents, bee expressed afterward.

FINIS.